

Timothy J. Burke (181866)
STULL, STULL & BRODY
10940 Wilshire Boulevard
Suite 2300
Los Angeles, CA 90024
Tel: (310) 209-2468
Fax: (310) 209-2087

Jules Brody
Howard T. Longman
STULL, STULL & BRODY
6 East 45th Street
New York, NY 10017
Tel: (212) 687-7230
Fax: (212) 490-2022

Gary S. Graifman
KANTROWITZ GOLDHAMER
& GRAIFMAN
747 Chestnut Ridge Road
New York, NY 10977
Tel: (845) 356-2570
Fax: (845) 356-4335

Gary E. Mason
Charles A. Schneider
THE MASON LAW FIRM, PC
1225 19th Street NW
Suite 500
Washington, DC 20036
Tel: (202) 429-2290
Fax: (202) 429-2294

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID BELL and GARY ERLINGER,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

DAIMLERCHRYSLER CORP.,

Defendant.

CASE NO. C 05 2971 CW

CLASS ACTION

STIPULATION AND CONSENT ORDER

STIPULATION AND CONSENT ORDER
CASE NO. C 05 2971 CW

IT IS HEREBY STIPULATED AND AGREED by and between the above referenced parties through their undersigned attorneys as follows:

1. Defendant's Motion to Dismiss the Amended Complaint is hereby withdrawn without prejudice to re-file.

2. The Case Management Conference presently scheduled for May 19, 2006 is hereby continued to a date which shall be selected by the Court.

ATTESTATION OF TIMOTHY J. BURKE

I, Timothy J. Burke, hereby attest that the contents of this document are acceptable to all persons required to sign it. I further attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/s/) within this efiled document.

Timothy J. Burke
STULL, STULL & BRODY

Dated: May 12, 2006

By: _____ / s /
Timothy J. Burke
10940 Wilshire Boulevard
Suite 2300
Los Angeles, CA 90024
Tel: (310) 209-2468
Fax: (310) 209-2087

Jules Brody
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Washington, DC 20036
Tel: (202) 429-2290
Fax: (202) 429-2294

Attorneys for Plaintiffs

James P. Fogelman
GIBSON, DUNN & CRUTCHER LLP

Dated: May 12, 2006

By: _____ / s / _____
James P. Fogelman
333 South Grand Avenue
Los Angeles, CA 99071
Tel: (213) 229-7000
Fax: (213) 229-7520

Attorneys for Defendant

**SO ORDERED. CASE MANAGEMENT CONFERENCE IS CONTINUED TO
9/22/06 AT 1:30 P.M.**

Dated: 5/15/06 _____



Honorable Claudia Wilken

PROOF OF SERVICE

STATE OF CALIFORNIA)
)ss.:
 COUNTY OF LOS ANGELES)

I am employed in the county of Los Angeles, State of California, I am over the age of 18 and not a party to the within action; my business address is 10940 Wilshire Boulevard, Suite 2300, Los Angeles, CA 90024.

On May 12, 2006, I served the document(s) described as **STIPULATION AND CONSENT ORDER** by placing a true copy(ies) thereof enclosed in a sealed envelope(s) addressed as follows:

SEE ATTACHED SERVICE LIST

I served the above document(s) as follows:

xx BY FACSIMILE TRANSMISSION. I caused a facsimile machine transmission from facsimile machine telephone number (310) 209-2087 to the facsimile machine telephone number(s) listed on the attached Service List. Upon completion of said facsimile machine transmission(s), the transmitting machine issued a transmission report(s) showing the transmission(s) was/were complete and without error.

xx BY MAIL. I am familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in an affidavit.

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on May 12, 2006, at Los Angeles, California 90024.

MELANIE JACOBS
 Type or Print Name

/s/ Melanie Jacobs
 Signature

SERVICE LIST

Jules Brody
Howard T. Longman
STULL, STULL & BRODY
6 East 45th Street
New York, NY 10017
Tel: (212) 687-7230
Fax: (212) 490-2022

James P. Fogelman
jfogelman@gibsondunn.com
Eileen Ahern
eahern@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
Los Angeles, CA 99071
Tel: (213) 229-7000
Fax: (213) 229-7520

Gary S. Graifman
Peter L. Benza
KANTROWITZ GOLDHAMER
& GRAIFMAN
747 Chestnut Ridge Road
New York, NY 10977
Tel: (845) 356-2570
Fax: (845) 356-4335

(SERVICE COMPLETED VIA COURT'S
ECF FILING SYSTEM)

Attorneys for Defendant

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Charles A. Schneider
THE MASON LAW FIRM, PC
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Suite 500
Washington, DC 20036
Tel: (202) 429-2290
Fax: (202) 429-2294

Attorneys for Plaintiffs